

1634  
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November 8, 2002

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NOV 14 2002

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TECH CENTER 1600/2900

Commissioner for Patents  
Washington, D.C. 20231

**Art Unit 1634**

Re: U.S. Utility Patent Application  
Appl. No. 09/666,890; filed September 20, 2000  
For: **Nucleic Acid Marker Ladder for Estimating Mass**  
Inventor: James L. Hartley  
Our Ref: 0942.2570003/RWE

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal (Form PTO/SB/17);
2. Petition For Extension of Time Under 37 C.F.R. § 1.136(a)(1);
3. Amendment and Reply Under 37 C.F.R. § 1.111;
4. Return postcard; and
5. Our check no. 37269 for \$1,704.00 to cover:  

\$504.00	Independent claims in excess of three (37 C.F.R. § 1.16(b));
280.00	Multiple dependent claim (37 C.F.R. § 1.16(d)); and
920.00	Extension for response within third month (37 C.F.R. § 1.17(a)(3)).

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
November 8, 2002  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

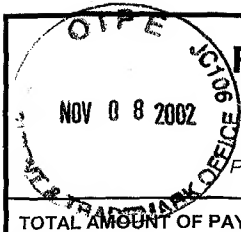
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond  
Attorney for Applicant  
Registration No. 32,893

RWE/dab  
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Enclosures

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

## Complete if Known

Application Number	09/666,890
Filing Date	September 20, 2000
First Named Inventor	James L. Hartley
Examiner Name	Whisenant, E.
Group Art Unit	1634
Attorney Docket No.	0942.2570003/RWE

TOTAL AMOUNT OF PAYMENT (\$)**1,704.00**

## METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number **19-0036**  
Deposit Account Name **Sterne, Kessler, Goldstein & Fox P.L.L.C.**

- ☒ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

- ☐ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed:

- ☒ Check ☐ Credit card ☐ Money Order ☒ Other\*

\*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) **-0-**

### 2. EXTRA CLAIM FEES

	Extra	Fee from below	Fee Paid
Total Claims <b>28</b> - 68** = <b>0</b>	X		
Indep. Claims <b>18</b> - 12* = <b>6</b>	X	<b>84</b>	<b>504</b>
Multiple Dependent		<b>280</b>	<b>280</b>

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim
108	84	208	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) **784.00**

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	920
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	481	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) :

Other fee (specify) :

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **920.00**

## SUBMITTED BY

Name (Print/Type)	Robert W. Esmond	Registration No. (Attorney/Agent)	32,893	Telephone	202-371-2600
Signature	<i>Robert W. Esmond</i>	Date	Nov. 8, 2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20503. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20503.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

James L. HARTLEY

Appl. No. 09/666,890

Filed: September 20, 2000

For: **Nucleic Acid Marker Ladder for  
Estimating Mass**

Art Unit: 1634

Examiner: E. Whisenant

Atty. Docket: 0942.2570003/RWE

#17 ID  
AP  
11/19/02

### Amendment and Reply Under 37 C.F.R. § 1.111

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In reply to the Office Action dated May 8, 2002 (PTO Prosecution File Wrapper Paper No. 14), Applicant submits the following Amendment and Remarks. This Amendment is provided in the following format:

- (A) A clean version of each replacement paragraph/section/claim along with clear instructions for entry;
- (B) Starting on a separate page, appropriate remarks and arguments. *See* 37 C.F.R. § 1.121 and MPEP 714; and
- (C) Starting on a separate page, a marked-up version entitled: "Version with markings to show changes made."

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under

11/12/2002 SSESHE1 00000043 09666890

01 FC:1201  
02 FC:1203

504.00 DP  
280.00 DP